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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,627	12/28/2004	Michael Schlereth	2002P08760WOUS	7845

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

KIM, HEE SOO

ART UNIT	PAPER NUMBER
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2109

MAIL DATE	DELIVERY MODE
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07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,627

Applicant(s)

SCHLERETH, MICHAEL

Examiner

Hee Soo Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/28/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12/24/2004 was filed after the mailing date of 12/24/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28~46 are rejected under 35 U.S.C. 102(e) as being anticipated by Primm et al. hereinafter Primm (U.S. Patent# 7,159,022).

Regarding Claim 28,

Primm teaches a method for communication and/or transmission of information between automation devices via a data transmission system, the method comprising:

a. sending and/or receiving requests and/or replies by each participating automation device (Column 9, Lines 12~45)

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b. the communication and/or transmission of information takes place directly between the automation devices (Column 9, Lines 12~45) and

c. sending an address by the automation devices directly to the automation device which submits the request (Column 9, Lines 12~45).

Regarding Claim 29,

Primm teaches the communication between the automation devices takes place in the form of peer-to-peer communication (Column 7, Lines 53~60).

Regarding Claim 30,

Primm teaches the communication and/or transmission of information takes place via an Intranet and/or Internet (Column 6, Lines 32~38).

Regarding Claim 31,

Primm teaches communication takes place via a basic service of an operating system (Column 6, Lines 32~38).

Regarding Claim 32,

Primm teaches each automation device sends a request via the data transmission system to all other automation devices of which it has knowledge (Column 17, Lines 31~46).

Regarding Claim 33,

Primm teaches all automation devices forward a request, which arrives via sending and/or receiving mechanisms, to all other automation devices which it knows, and which have not yet received the request (Column 8, Lines 45~51).

Regarding Claim 34,

Primm teaches the automation devices directly collect information from automation devices that make information available at the address which has been sent (Column 17, Lines 12~46).

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Regarding Claim 35,

Primm teaches the forwarding of the request through the automation devices is canceled on the basis of a time limit (Column 8, Lines 28~44).

Regarding Claim 36,

Primm teaches the addresses of the participating automation devices are managed by a device which is connected to the data transmission system (Column 14, Lines 60~Column 15, Lines 1~17).

Regarding Claim 37,

Primm teaches an automation device for communicating with and/or transmitting information to and from further automation devices via a data transmission system, the automation device comprising:

a. mechanisms for sending and/or receiving requests and/or replies (Column 9, Lines 12~45),

b. the mechanisms are adapted for direct communication and/or transmission of information between the automation devices (Column 9, Lines 12~45), and wherein

c. the automation device is used for directly sending an address to an automation device which submits a request (Column 9, Lines 12~45).

Regarding Claim 38,

Primm teaches the mechanisms are used for peer-to-peer communication between the automation devices (Column 7, Lines 53~60).

Regarding Claim 39,

Primm teaches the mechanisms for sending and/or receiving are designed as a basic service of an operating system for communication (Column 6, Lines 32~38).

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Regarding Claim 40,

Primm teaches the automation device is used for sending a request via the data transmission system to all other automation devices of which it has knowledge (Column 17, Lines 31~46).

Regarding Claim 41,

Primm teaches the automation device is adapted for forwarding a request, which arrives via the sending and/or receiving mechanisms, to all other automation devices which it knows, which have not yet received the request (Column 8, Lines 45~51).

Regarding Claim 42,

Primm teaches the mechanisms for sending and/or receiving are adapted for the direct collection of information from automation devices which make information available at the address which has been sent (Column 17, Lines 12~46).

Regarding Claim 43,

Primm does not disclose the request comprising a mechanisms for canceling its forwarding through the automation devices on the basis of a time limit (Column 8, Lines 28~44).

Regarding Claim 44,

Primm teaches an automation system comprising:

- a. a data transmission system for communicating and/or transmitting information between automation devices (Column 9, Lines 12~45); and
- b. at least one automation device, the automation device comprising:
 - i. mechanisms for sending and/or receiving requests and/or replies, wherein the mechanisms are adapted for direct communication and/or transmission of information between the automation devices (Column 9, Lines 12~45), and wherein

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ii. the automation device is adapted for directly sending an address to an automation device which submits a request (Column 9, Lines 12~45).

Regarding Claim 45,

Primm teaches the data transmission system is an Intranet and/or Internet (Column 6, Lines 32~38).

Regarding Claim 46,

Primm teaches a device connected to the data transmission system for managing the addresses of the participating automation devices (Column 14, Lines 57~Column 15, Lines 1~17).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Friday 7:30AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSK
6/28/07



MARVIN LATEEF
SUPERVISORY PATENT EXAMINER